

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERESA L. NYLANDER,

Plaintiff,

10

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 11-cv-05502 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13. (See also Notice of Initial Assignment to a U.S. Magistrate

Judge and Consent Form, ECF No. 3; Consent to Proceed Before a United States Magistrate

Judge, ECF No. 6). This matter is before the Court on plaintiff's Stipulated Motion for Equal

Access to Justice Act Fees and Expenses (see ECF No. 23).

Based on 28 U.S.C. § 1920 (costs); the Equal Access

after “EAIA”); the stipulation of the parties; and Plaintiff’s Petition for Award of

¹⁴See, e.g., *U.S. v. Gandy*, 8 F.3d 1337, 1342 (11th Cir. 1993) (rejecting the *Freudenberg* holding). See also *U.S. v. Lockett*, 142 F.3d 128, 138 (5th Cir. 1998) (rejecting the *Freudenberg* holding).

1 28 U.S.C. § 1920 & Supporting Affidavit (ECF No. 23, Attachment No. 1), it is hereby
2 ORDERED that EAJA attorney's fees of \$6,429.00; costs of \$42.00 (copies) and \$350.00 (filing
3 fee); and expenses in the amount of \$19.68 (service by certified mail), for a total of \$6,840.68,
4 shall be awarded to plaintiff pursuant to 28 U.S.C. § 1920 (costs) and 28 U.S.C. § 2412 (EAJA
5 fees and expenses).

6 This Order is consistent with Astrue v. Ratliff, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS
7 4763 at ***6-***7 (2010) in that the EAJA Fees and Expenses Award is subject to any offset
8 allowed pursuant to the Department of the Treasury's Offset Program. The parties agree that the
9 Commissioner will consider the matter of plaintiff's assignment of EAJA fees and expenses to
10 plaintiff's attorney and the Commissioner further agrees to contact the Department of Treasury
11 after the order for the EAJA fees and expenses award is entered and determine whether or not the
12 EAJA fees and expenses award is subject to any offset (see ECF No. 23, p. 1).

13 If it is determined that plaintiff's EAJA fees and expenses award is not subject to any
14 offset allowed under the Department of the Treasury's Offset Program, then the check for EAJA
15 fees and expenses shall be made payable to Rosemary B. Schurman, based on plaintiff's
16 assignment of these amounts to plaintiff's attorney (see ECF No. 23, Attachment 1, pp. 2, 4).
17 Any check for EAJA fees and expenses shall be mailed to plaintiff's counsel, Rosemary B.
18 Schurman, at Rosemary B. Schurman, Attorney at Law PLLC, 8123 NE 115 Way, Kirkland, WA
19 98034.

20 Dated this 29th day of May, 2012.

21 
22 J. Richard Creatura
23 United States Magistrate Judge
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